

AMENDED IN ASSEMBLY JUNE 28, 2006
AMENDED IN SENATE JANUARY 23, 2006
AMENDED IN SENATE JANUARY 4, 2006
AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 540

Introduced by Senator Kehoe

February 18, 2005

An act to add Section 1940.3 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 540, as amended, Kehoe. Tenancy: signs and flags.

Existing law regulates the terms and conditions of residential tenancies. Existing law prohibits a landlord ~~for~~ *from* interfering with a tenant's quiet enjoyment of the premises.

This bill would prohibit a landlord from prohibiting a tenant from posting or displaying campaign signs relating to an election or legislative vote, including an election for a candidate for public office, or to the initiative, referendum, or recall process, except as specified. The bill would permit a landlord to prohibit the posting or display of campaign signs under certain circumstances, including when the posting or display is in excess of a specified period.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1940.3 is added to the Civil Code, to
2 read:

1 1940.3. (a) Except as provided in subdivision (b), a landlord
2 shall not prohibit a tenant from posting or displaying campaign
3 signs relating to (1) an election or legislative vote, including an
4 election for a candidate for public office or (2) the initiative,
5 referendum, or recall process. Campaign signs may be posted or
6 displayed in the window or on the door of the premises leased by
7 the tenant in a multifamily dwelling, or from the yard, window,
8 door, balcony, or outside wall of the premises leased by a tenant
9 of a single family dwelling.

10 (b) A landlord may prohibit a tenant from posting or
11 displaying campaign signs in the following circumstances:

12 (1) The campaign sign is more than ~~nine~~ *six* square feet in
13 size.

14 (2) The posting or displaying would violate a local, state, or
15 federal law.

16 (3) The posting or displaying would violate a lawful provision
17 in a common interest development governing document that
18 satisfies the criteria of Section 1353.6.

19 (4) The posting or displaying is in excess of the period of time
20 between 90 days prior to the relevant election or vote and 15
21 days following the election or vote.

22 SEC. 2. It is the intent of the Legislature that enactment of
23 this bill shall not diminish or affect in any way any other form of
24 political or noncommercial expression by a tenant where that
25 expression is not associated with an election or political
26 campaign.